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INTITULED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to the Township of Dalkey, the Galway Union, the City of Londonderry, the Newtownards United Burial Grounds District, the Omagh Waterworks, and to the Wexford Waterworks. A.D. 1876.

WHEREAS the Local Government Board for Ireland acting under the provisions of the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and of the Public Health (Ireland) Act, 1874, have made in relation to the township of Dalkey, the Galway Union, the city of Londonderry, the Newtownards United Burial Grounds District, the Omagh Waterworks, and the Wexford Waterworks the provisional orders set out in the schedule to this Act annexed :

And whereas a provisional order made under the authority of the said Acts is not of any validity or force whatever until confirmed by Parliament, and it is expedient that the said provisional orders should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Subject to the provisions of this Act, the said orders set out in the schedule to this Act annexed shall be and the same are hereby respectively confirmed, and all the provisions of the same respectively shall, from and after the passing of this Act, have full validity and force. Orders in schedule confirmed.

2. Any rates to be made under "The Dalkey Township Provisional Order, 1876," by this Act confirmed, shall be made subject to the provisions of section 62 of the Towns Improvement (Ireland) Act, 1854. Rates under Dalkey Order confirmed.

3. Any rates to be made under "The Wexford Waterworks Order, 1875," by this Act confirmed, shall be made subject to the provisions of section 62 of the Towns Improvement (Ireland) Act, 1854. Rates under Wexford Order confirmed.

4. This Act may be cited as The Local Government Board (Ireland) Provisional Orders (Dalkey, &c.) Confirmation Act, 1876. Short title.

[Bill 290.]

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A.D. 1876.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

DALKEY TOWNSHIP.

Provisional Order.

30 & 41 Vict.
c. 124.
35 & 36 Vict.
c. 109.
41 & 42 Vict.
c. 95.

Whereas "the Dalkey Township Commissioners," herein-after described as 5
"the Commissioners," being incorporated by "The Dalkey Township Act,
1867," and being the governing body of the township of Dalkey as defined by
the said Act within the meaning of "The Local Government (Ireland) Act,
1871," and the urban sanitary authority of the said township within the
meaning of "The Public Health (Ireland) Act, 1874," and being desirous of 10
making provision for the effectual drainage and sewerage of the said township,
and of constructing certain main, intercepting, and outfall sewers therein, and
for the purposes aforesaid to put in force the powers of the Lands Clauses Acts,
as defined by the Local Government (Ireland) Act, 1871, with respect to
certain lands and premises herein-after mentioned, have caused a plan of the 15
proposed undertaking, showing the lands and premises proposed to be taken
(herein-after called the deposited plan), to be deposited at the office of the said
Commissioners, at the Town Hall, Dalkey, within the said township:

And whereas the Commissioners have duly published and served the adver-
tisements and notices required by "The Local Government (Ireland) Act, 20
1871," and "The Public Health (Ireland) Act, 1874," and have presented a
petition under their seal in accordance with the provisions of the said Act,
containing the statements thereby required:

And whereas by the said petition the Commissioners also sought power to 25
make certain rates for the purposes aforesaid, and for such purposes that the
said "Dalkey Township Act, 1867," should be altered and further provision
made for the future execution thereof:

And whereas the Local Government Board for Ireland, having directed an
inquiry in the said district where the said lands and premises are situate, as
to the propriety of assenting to the prayer of such petition and as to the 30
genuineness of the said petition, such inquiry has been duly held:

And whereas Sir Richard McDonnell, an owner of land proposed by the
said petition to be taken, objected to so much of the proposed plan as related
to the construction of that part of the sewer No. 7 shown on the deposited
plan, and which sewer was proposed to be constructed along Serranto Road, 35
running through the lands of the said Sir Richard McDonnell, and discharging
itself into the sea at Serranto Point:

And whereas at the holding of the said inquiry it was proposed and agreed
between the Commissioners and Sir Richard McDonnell that a portion of the
said proposed sewer No 7 should be diverted from the course proposed by the 40

deposited plan, and pass through the said lands of the said Sir Richard M'Donnell in the manner described in a certain written agreement, dated the 26th May 1875, and a map thereto annexed deposited in the office of the Commissioners, at the Town Hall, Dalky, and herein-after referred to as the deposited agreement, and it appears to the Local Government Board for Ireland that the present Order should be made in respect of the matters aforesaid:

It is ordered as follows:—

1. This Order may be referred to for all purposes as "The Dalky Township Provisional Order, 1876." Short title of Order.

2. From and after the time when this Order shall take effect, and for the period of three years after such time, it shall be lawful for the Commissioners, and they are hereby empowered, to put in force the powers of the Lands Clauses Acts, as defined by "The Local Government (Ireland) Act, 1871," with respect to the purchase and taking of land otherwise than by agreement, with respect to the lands, premises, easements, and rights described and mentioned in the said deposited plan, subject to the modifications thereof provided for by the said deposited agreement, and thenceforth to use the lands and premises so to be taken for the purposes of the said undertaking. Compulsory powers to purchase land.

3. In order to provide money for the purpose of defraying the expense of preparing the plans and estimates for the said undertaking, and of applying for and procuring this Order, the Commissioners are hereby empowered to make, assess, and levy a rate (in addition to all other rates which they have power to make, assess, and levy) to be levied from and paid by the owners and occupiers of all rateable property within the said township, such rate to be made and assessed within the three years which shall elapse after this Order shall take effect, and to be called "the Provisional Order Rate," and not to exceed such sum for each pound of the rateable value of rateable property within the said township as shall amount in the whole to the sum required to defray the expenses aforesaid: Provided that the said rate shall be paid, deducted, and retained by the same persons and in the same proportions as rates levied for relief of the poor in the said township: And provided further that the several provisions of the said Dalky Township Act, 1867, and the Acts incorporated therewith, with respect to the making, assessing, and levying the rates thereby authorised, shall apply to the rate hereby authorised and to the making and levying and assessing the same, save so far as such provisions may be inconsistent with the express power herein-before contained with respect to the rates hereby authorised. Rating powers.

4. This Order shall take effect from the time when it shall be confirmed by Act of Parliament. Commencement of Order.

Given under our hands and seal of office, this thirty-first day of January 1876.

(Signed) A. POWER,
Vice-President.

R. M. BELLEW,
Commissioner.

A.D. 1876.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.
GALWAY UNION.*Provisional Order*13 & 20 Vict.
c. 58, s. 3.
34 & 35 Vict.
c. 109, s. 4.
35 & 36 Vict.
c. 69.
37 & 38 Vict.
c. 55, s. 18.

WHEREAS the guardians of the poor of the Galway Union (being the burial board for the Galway Union under the provisions of "The Burial Grounds (Ireland) Act, 1856,") have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of "The Local Government (Ireland) Act, 1871," "The Local Government Board (Ireland) Act, 1872," and "The Public Health (Ireland) Act, 1874," showing that the existing intermural burial grounds in the town of Galway are so overcrowded as to be dangerous to health, and should be closed as speedily as possible, and that a suitable site for a new cemetery has been selected, and praying that the said burial board should, for the purpose of acquiring the said site, be empowered to put in force the powers of the Lands Clauses Acts as defined by "The Local Government (Ireland) Act, 1871," with respect to the purchase and taking lands otherwise than by agreement:

And whereas the said burial board has deposited at the union workhouse of Galway a plan (herein-after referred to as the deposited plan) of the said site, which consists of a plot of ground situate near Bohermore, in the parish of Saint Nicholas, in the county of the town of Galway, and notices having been served and advertisements published in pursuance of the said Acts, an inquiry has been had in the district as to the genuineness of the said petition, and the propriety of assenting to the prayer thereof, and it appears to the Local Government Board for Ireland that this Provisional Order should be made in respect of the matters aforesaid:

It is ordered as follows:—

Short title of
Order

1. This Order may be cited and referred to for all purposes as "The Galway Burial Grounds Provisional Order, 1876."

Incorporation
of Acts

2. The provisions of "The Lands Clauses Consolidation Act, 1845," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland) 1860," "The Railways Act (Ireland), 1864," and "The Railways Trammels Act," with respect to the purchase and taking of land otherwise than by agreement (herein-after referred to as the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement), so far as the said provisions are not inconsistent with this Order, and the several matters and enactments contained in the said provisions, and in each of them, shall be deemed to apply to the execution of the powers conferred by this Order, in like manner in all respects as if the said provisions were repeated herein, so far as the said provisions are applicable to the matters herein contained and dealt with.

Compulsory
powers to per-
chase lands.

3. At and after the time when this Order shall take effect it shall be lawful for the guardians of the poor of the Galway Union, as the burial board of the said union, to put in force the said powers of the Lands Clauses Acts, with respect to the purchase and taking of land otherwise than by agreement, for the purpose of purchasing and taking the said land comprised in the said deposited plan, and to take the said land and use the same for the purpose of a burial ground.

4. It shall be lawful for the said guardians of the poor of the Galway Union to defray the expenses of applying for and obtaining this Order out of any money which shall come to their hands as such burial board.

A.D. 1876.

Expense of
Order

5. This Order shall take effect from the time when it shall be confirmed by Act of Parliament.

Commencement of Order.

Given under our hands and seal of office this twenty-second day of April 1876.

(Signed) A. POWER,
Vice-President
CHARLES CROKER-KING,
Commissioner.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.
CITY OF LONDONDERRY.

Provisional Order.

15 WHEREAS by the nineteenth section of "The Londonderry Improvement Act, 1848," herein-after called the Act of 1848, the mayor, aldermen, and burgesses of the then borough of Londonderry, herein-after called "the Corporation," were empowered to borrow a sum of forty thousand pounds on the security of the rates authorised to be levied by the said Act, and called "the improvement rate," for the purpose, amongst other things, of constructing waterworks for supplying water to the inhabitants of Londonderry:

31 & 32 Vict.
c. 341. s. 18.

20 And whereas, by the eighty-first section of the said Act, power was given to the Lord Bishop of Derry and Raphoe to make such leases of portions of the lands known as the Bishop's Demesne, described in Schedule A. of the said Act, to the Corporation for the purposes of such waterworks, for such term as the said bishop was by law empowered to grant other lands of the see of Derry, and on the terms therein mentioned:

31 & 32 Vict.
c. 341. s. 81.

25 And whereas in pursuance of the said Act, the said bishop, by lease, dated the first January one thousand eight hundred and fifty, devised to the Corporation the several pieces of land therein described, and delineated in the map enclosed on the said lease, situate in the parish of Tomplamore, in the townland of Craggan, in the city and county of Londonderry, for the term of twenty-one years from the first November one thousand eight hundred and forty-eight, and by a further lease dated the first November one thousand eight hundred and fifty, devised to the Corporation the several pieces of land therein described, and delineated on the map enclosed thereon, situate in the parish of Tomplamore, in the townlands of Craggan and Edenballymore, and in the city and county of Londonderry, for the term of twenty-one years from the first November one thousand eight hundred and fifty:

Lease by
Bishop of Derry
to Corporation,
1st January
1850.

30 And whereas by "The Londonderry Improvement Act, 1855," herein-after called the Act of 1855, section 2, the Corporation were empowered to borrow a further sum of ten thousand pounds on the security of the rates authorised to be levied by the Act of 1848; and by "The Londonderry Improvement Act, 1864," herein-after called the Act of 1864, section 44, the Corporation

Lease by
Bishop of Derry
to Corporation,
1st November
1856.33 Vict. c. 24.
s. 2.37 & 38 Vict.
c. 191. s. 44.

[220.]

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A.D. 1876. — were empowered to borrow, on the security of the improvement rate, by the said "Londonderry Improvement Act, 1848," and the said Act of 1864, authorised to be levied the further sum of twenty thousand pounds :

And whereas, in pursuance of the powers granted by the said Acts, the Corporation have erected reservoirs and other waterworks on the said lands 5 comprised in the said two leases of the first January one thousand eight hundred and fifty, and first November one thousand eight hundred and fifty, and have constructed main sewers, laid flagging, erected markots, and made the other improvements authorised by the said Acts, and the said sums authorised to be borrowed have been expended in executing the said works, and 10 obtaining the requisite land :

And whereas, by means of a sinking fund derived from the said improvement rate, the Corporation have, in pursuance of the provisions of the said Acts, paid off twenty-five thousand pounds of their said debt, leaving a balance now remaining due of forty-five thousand pounds :

And whereas the said leases having expired, the Corporation are desirous of being empowered to purchase the lands comprised therein, and for that purpose to put in force the powers of the Lands Clauses Act, as defined by "The Local Government (Ireland) Act, 1871," with respect to the purchase and taking of land otherwise than by agreement, as regards the lands comprised in the said leases, and to construct new main sewers in the streets in the said city, and for the purposes aforesaid to borrow a further sum of fifteen thousand pounds on the security of the rates aforesaid, and that the said Acts of 1848, 1855, and 1864 be altered and amended accordingly, in pursuance of the provisions of the fourth and fifth sections of the said "Local Government (Ireland) Act, 1871," and the twenty-sixth section of "The Public Health (Ireland) Act, 1874:"

In pursuance of plan of works.

And whereas the Corporation have deposited a plan of the said lands proposed to be taken, and of the proposed works and undertaking, at the office of the town clerk, situate at St. Columb's Court, in the said city of Londonderry, and have duly published advertisements and presented a petition to the Local Government Board for Ireland, under the provisions of "The Local Government (Ireland) Act, 1871," and "The Local Government Board (Ireland) Act, 1872," for the purpose of obtaining the powers aforesaid, and procuring the alteration of the said Acts above-mentioned :

And whereas an inquiry has been duly had in the district as to the genuineness of the said petition, and the propriety of assenting to the prayer thereof, and it appears to the Local Government Board for Ireland that this Provisional Order should be made in respect of the matters aforesaid :

It is ordered as follows :

Short title of Order.

1. This Order may be cited and referred to for all purposes as "The Londonderry Provisional Order, 1876."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Consolidation Act, 1845," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and the provisions of "The Commissioners Clauses Act, 1847," and of "The Towns Improvement Clauses Act, 1847," are, so far as the said provisions are not

inconsistent with this Order, incorporated with this Order; and the several provisions, matters, and enactments contained in the said Statutes, and each of them, are to be deemed to apply to the execution of the powers, conferred in this Order, in like manner in all respects as if the said enactments were expressly repeated herein, so far as the said enactments are applicable to the matters herein contained and dealt with.

A.D. 1876.

3. At and after the time when this Order shall take effect it shall be lawful for the Corporation to put in force the powers and provisions of "The Land
 10 Clauses Consolidation Act, 1845," as the same is amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," with respect to the purchase and taking of land otherwise than by agreement in respect of the said several pieces of land comprised in the said leases of the first January one thousand eight hundred and fifty, and first November one thousand eight
 15 hundred and fifty, and delineated in the said deposited plan, and use and continue to use the lands so taken for the purposes of the said waterworks.

Compulsory powers to purchase lands

4. It shall be lawful for the Corporation to cause to be made such new main and other sewers for the sewage and drainage of the said town as shall seem fit to the Corporation, and use and maintain the same for the drainage of the said
 20 town.

Power to make new sewers &c.

5. The Corporation may from time to time, under the authority of this Order, borrow and re-borrow on the credit of the improvement rate by the said Acts of 1848 and 1864, or either of them, authorised any further sum or sums of money not exceeding in the whole fifteen thousand pounds, provided that to
 25 the extent of the money so borrowed, which from time to time is paid off by means of a sinking fund, the powers of the Corporation for re-borrowing under this Order shall be extinguished.

Further borrowing powers to extent of £15,000

6. All moneys received by the Corporation by borrowing or re-borrowing under this Order shall be applied by the Corporation in carrying out the objects
 30 and purposes of this Order, or some of them, provided that no person advancing money on mortgage under the provision of this Order shall be bound to see to the application, or liable for the non-application or misapplication thereof.

Application of moneys so borrowed.

7. All mortgages of or other securities on the improvement rates made by the Corporation before this Order shall come into force, shall, during the
 35 continuance thereof, have priority over all mortgages of and securities on the said rate made by them after this Order shall come into force.

Priority of existing mortgages previously received.

8. The provisions of the Act of 1848, with respect to the application of the improvement rate, and with respect to moneys raised on mortgage thereof, and the sinking fund for paying off moneys borrowed on the security of the said
 40 rate, shall extend and apply to this Order, and the moneys borrowed under this Order on the security of the said rates.

Extension of provisions of local Acts to local rates by this Order.

9. It shall be lawful for the Corporation to defray the expenses of obtaining this Order out of the moneys which shall be received in respect of the rates leviable under the said Acts of 1848, 1855, 1864, or either or any of them.

Expenses of Order

A.D. 1876.
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Continuation
of Order.

10. This Order shall take effect from the time when it shall be confirmed by Act of Parliament.

Given under our hands and seal of office this fourth day of April 1876.

(Signed) A. POWELL,
Vice-President. 5
R. M. BELLEW,
Commissioner.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.
THE NEWTOWNARDS UNITED BURIAL GROUNDS DISTRICT.

Provisional Order. 10

12 & 36 Vict.
c. 53, s. 4. WHEREAS the board of guardians of Newtownards Union, in the county of Down, is the rural sanitary authority for the said union, except that portion thereof which is comprised within the town of Newtownards, and also the burial board for the said union, except those portions thereof which are comprised within the towns of Newtownards and Bangor. 15

39 & 50 Vict.
c. 56, s. 3. And whereas the town commissioners of Newtownards, under "The Towns Improvement (Ireland) Act, 1854," are the urban sanitary authority and also the burial board for the said town, which is comprised within the electoral divisions of Newtownards and Newtownards South: 15

37 & 54 Vict.
c. 55, s. 5. And whereas application has been made to the Local Government Board for Ireland by the said sanitary authorities respectively to form the electoral divisions of Newtownards and Newtownards South (including the town of Newtownards) into a united district for the purposes of the Burial Grounds Acts: 20

37 & 56 Vict.
c. 33, s. 39. And whereas we, the Local Government Board for Ireland, have caused inquiry to be made by our inspector, William Patrick O'Brien, Esq., into the matter of the said applications, and it appears to us that it would be for the advantage of the sanitary district and contributory places comprised in the said electoral divisions of Newtownards and Newtownards South that they should be formed into a united district for the purposes of the Burial Grounds Acts as aforesaid: 25 30

Now, therefore, in exercise of the powers vested in us in that behalf, we do hereby order and direct as follows:

1. This Order shall take effect from the time when it shall have been confirmed by Act of Parliament. 35

37 & 48 Vict.
c. 33, s. 23. 2. The said urban sanitary district of the town of Newtownards and that portion of the rural sanitary district of Newtownards Union which is comprised within the electoral divisions of Newtownards and Newtownards South shall be and they are hereby formed into a united district for the purposes of the Burial Grounds Acts. 40

37 & 59 Vict.
c. 55, s. 15. 3. The said district so formed as aforesaid shall be called "The Newtownards United Burial Grounds District;" and the governing body of the said united district, to be constituted as herein-after mentioned, shall be called "The Newtownards Joint Burial Board," herein-after called the joint board.

4. The governing body of the said united district shall consist of twelve members, four of whom shall be ex-officio members, and eight of whom shall be elective members. A.D. 1876.
37 & 38 Vict.
c. 55, s. 21.

5 The ex-officio members shall be the two town commissioners for the said town of Newtownards who are the most highly rated under the provisions of the Towns Improvement (Ireland) Act, 1854, and the two guardians of the Newtownards Union, either ex-officio or elected, who are rated in the rate books of the said union on the highest amount of rateable property in the said electoral divisions of Newtownards and Newtownards South.

10 The elective members shall be chosen in the manner hereinafter provided, four of such elective members to be chosen by the rural sanitary authority, and four of such elective members to be chosen by the urban sanitary authority. 37 & 38 Vict.
c. 55, s. 22.

15 The first election shall take place within two months after the confirmation of this Order by Parliament on such day or days respectively as may be named for the purpose by the body by whom the election is to be made, and at least seven days' notice of the day or days so named shall be given to every member of such body.

20 After the first election, the election shall take place annually at the first meeting of the body by whom the election is to be made after the 8th day of April in each year.

25 5. And we do hereby define the purposes for which the said united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations, which the joint board is authorised to exercise or perform, as follows: that is to say, 37 & 38 Vict.
c. 55, s. 22.

All the purposes, powers, rights, duties, capacities, liabilities, and obligations which the said sanitary authorities, or either of them, have been hitherto authorised to exercise or perform in relation to the said district under "The Burial Grounds (Ireland) Act, 1854," and the Act amending the same (23 & 24 Vict. c. 76), excepting only the power given by the 32nd section of the first-mentioned Act, to make and levy rates for the purpose of defraying the expenses incurred in the execution of the Act, or paying any money borrowed for such purpose or any interest thereon.

35 6. And with regard to the qualification and mode of election of elective members of the joint board and their continuance in office, we hereby order and direct as follows:— 37 & 38 Vict.
c. 55, s. 22.

40 1. The qualification for an elective member of the joint board shall be, either that he be a member of the body by which the election is to be made, or that he, is rated in respect of a sufficient amount of rateable property in the rate book to qualify him to be elected a member of that body if otherwise qualified to be so elected.

45 2. The election of those members of the joint board who are to be chosen by the rural sanitary authority shall be conducted in all respects in the manner prescribed by the General Regulations of the Poor Law Commissioners, dated nineteenth January one thousand eight hundred and fifty-two, for the appointment of officers; and the election of those members of the joint board who are to be chosen by the urban sanitary

A.D. 1876,

authority shall be conducted in the manner in which casual vacancies in the office of town commissioner may be filled up.

37 & 38 Vict.
c. 55, s. 22.

7. Every ex-officio member of the joint board shall continue in office until he die, or resign, or cease to be a guardian of the Newtownards Union or a town commissioner of the town of Newtownards, as the case may be; and every 5
elective member of the joint board shall continue in office until the period of the next annual election after his appointment, or until he die or resign.

37 & 38 Vict.
c. 55, s. 22.

8. Casual vacancies in the joint board shall be filled up as follows:

In the case of an ex-officio member dying, or resigning, or ceasing to be a member of the body in virtue of which he was a member of the joint board, 10
the most highly rated qualified member of such body, according to the qualification required by clause 4 of this Order, shall immediately thereupon become an ex-officio member of the joint board in his place.

In the case of an elective member of the joint board dying or resigning, the body by whom such member was elected shall proceed in the manner herein- 15
before provided to choose another elective member in his room; such election shall take place at some meeting of the body held within two months after the occurrence of the vacancy; and at least fourteen days notice in writing of the intended election shall be given to every member of the body by which the election is to be made. 20

37 & 38 Vict.
c. 55, s. 22.

9. The said joint board shall meet once at the least in every month, on some fixed day of the month, for the discharge of their duties; and shall, at their first meeting, and also at their first meeting after every annual election of elective members, appoint a chairman and vice-chairman, each of whom shall continue to act as such until he die, or resign, or cease to be a member of the 25
joint board, or until the time for the next annual election of chairman and vice-chairmen.

The manner of holding and transacting business at the meetings of the said board shall be similar to the manner in use in respect to meetings of boards of guardians for the administration of the laws for the relief of the poor. 30

37 & 38 Vict.
c. 55, s. 22.

10. And in regard to the appointment of officers, we do hereby order and direct that the twenty-ninth section of the Burial Grounds Act shall be incorporated with and be considered to form part of this Order; and the words 35
burial board in the said section shall for the purpose of such incorporation mean the joint board constituted by this Order.

Subsec. (1)
of s. 20 of
37 & 38 Vict.
c. 55.

11. The costs, charges, and expenses of and incident to applying for, obtaining, and confirming this Order, including therein all costs, charges, and expenses incurred by the Local Government Board in relation thereto, shall be paid by the joint board out of any moneys coming to their hands as such joint board. 40

Given under our hands and seal of office this thirty-first day of March 1876.

(Signed) A. POWELL,
Vice-President.
R. M. BELLER,
Commissioner.

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THE LOCAL GOVERNMENT BOARD FOR IRELAND.

OMAGH WATERWORKS.

Provisional Order.

WHEREAS the town of Omagh, in the county of Tyrone, was, until the 30 & 31 Vict. c. 59.
 5 passing of "The Public Health (Ireland) Act, 1874," under the management of commissioners elected under the provisions of the 9 Geo. IV., chapter 82, and the population of the said town does not, according to the parliamentary census last preceding the passing of the said Act of 1874, exceed 6,000, and the said town is within the Poor Law Union of Omagh, which forms a rural
 10 sanitary district, whereof the guardians of the poor of the said union are the sanitary authority as defined by the said Act, and have all the powers and rights formerly vested in the said commissioners as governing body of the said town, as defined by "The Local Government (Ireland) Act, 1871," in relation to sanitary matters, including the supplying of water:

15 And whereas, by an Order of the Local Government Board for Ireland, dated the 11th February 1875, the special expenses of supplying water have been made payable by a contributory district, including the townland of Omagh and certain adjoining places:

And whereas, in order to procure a supply of water for said district, it is
 20 proposed to take certain lands, water, water rights, and other easements, and to construct certain works described in a plan and book of reference duly deposited in the office of the clerk of the said union at the union workhouse, and hereinafter referred to as the deposited plan and book of reference:

And whereas advertisements having been duly published and notices duly
 25 served in pursuance of the statutes in that behalf made and provided, the said guardians have presented their petition to the Local Government Board for Ireland, and on inquiry being had in the district it appears to the Local Government Board for Ireland that this Provisional Order should be made touching the matters aforesaid:

30 It is ordered by the Local Government Board for Ireland as follows:

From and after the time when this Order shall have been confirmed by Act of Parliament it shall be lawful for the guardians of the poor of the union of Omagh to put in force the powers of the Lands Clauses Act with respect to the taking and purchase of land otherwise than by agreement for the purposes of
 35 and in relation to the works, undertaking, lands, water rights, and other easements and rights described in the said deposited plan and book of reference:

And in this Order the term "The Lands Clauses Acts" shall mean and include "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860,"

A.D. 1876. "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and
 — "The Public Health (Ireland) Act, 1874," sections 27 and 28.

Given under our hand and seal of office this eleventh day of April, 1876.

(Signed) A. POWER

Vice-President.

R. M. BELLEW,

Commissioner.

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THE LOCAL GOVERNMENT BOARD FOR IRELAND.

WEXFORD WATERWORKS.

Provisional Order.

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41 Geo. 3.
c. 28 & 11.

R. 79

WHEREAS by the Irish statute, 34 George III., cap. 26, sec. 1, certain persons were constituted the Corporation for improving the bar, town, and harbour of Wexford, and by the 70th section of the said statute certain powers were given to the said Corporation for the construction of reservoirs, water-courses, and other works for the purpose of supplying the town of Wexford with a sufficient supply of fresh water:

And whereas, under the provisions of the said Act, works have been constructed for the purpose of supplying the said town of Wexford with water:

41 Geo. 3.
c. 11 & 11.2

And whereas by the local Act of the sixth and seventh years of the reign of Her Majesty Queen Victoria, entitled "An Act for improving, maintaining, and regulating the Harbour of Wexford, in the County of Wexford," certain further provisions are made with respect to the said waterworks:

41 Geo. 3.
c. 26 Vict.

And whereas by the local Act entitled "The Wexford Harbour Commissioners Act, 1862," after reciting, amongst other matters, that it was expedient that "the powers for the management of the pipe water of the borough of Wexford should be transferred to the Corporation of the said borough," it is by the thirty-eighth section enacted that from and after the first election and appointment of Commissioners under the said Act of 1862 (which has long since taken place) all the property in and control over the said waterworks, and all rates and rents recoverable therefrom or in relation thereto, and all the powers and provisions relating to the said water supply in the said Act of the 34 George III., cap. 26, contained, should be and the same now are vested in the mayor, aldermen, and burgesses of the borough of Wexford.

And whereas the "Towns Improvement (Ireland) Act, 1854," has been adopted in the borough of Wexford, and the Corporation, being the governing body of the borough of Wexford within the meaning of the Local Government (Ireland) Act, 1871, and the urban sanitary authority under the Public Health (Ireland) Act, 1874, have certain further and additional powers in respect of supplying the said borough of Wexford with water, but have no power to purchase or take land otherwise than by agreement:

And whereas the said Corporation, being desirous of obtaining power to put in force the provisions of the Lands Clauses Act with respect to the purchase and taking of land otherwise than by agreement, for the purpose of supplying the said borough of Wexford with water, and for the construction of new and

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additional waterworks, and of obtaining additional powers herein-after mentioned for the purposes of providing such supply of water, have duly deposited a plan (herein-after called the deposited plan) of the proposed undertaking, showing the lands required to be taken, in the office of the town clerk of Wexford, in the district of the borough of Wexford, and have published and served the notice required by the Local Government Act (Ireland), 1871, and the Public Health (Ireland), Act 1874, and have presented a petition to the Local Government Board for Ireland for the purpose of procuring a Provisional Order with respect to the matters aforesaid, under the provisions of the said statutes and of the Local Government Board (Ireland) Act, 1872:

And whereas an inquiry has been duly held in the said district as to the propriety of assenting to the prayer of the said petition, and as to the genuineness thereof, and it appears to the Local Government Board for Ireland that the powers herein-after mentioned should be conferred on the said Corporation, and for that purpose, that the provisions herein-after mentioned should be made for the future execution of the said local Acts, and that the said Act should be altered so far as may be necessary for carrying out the purposes aforesaid:

It is ordered as follows:—

1. This Order may be cited and referred to for all purposes as "The Wexford Waterworks Order, 1875."

2. The following words and expressions shall have the several meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction; (that is to say,)

The word "Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Wexford; the word "district" shall mean the borough of Wexford.

The word "owner," used with reference to any rate to be paid under this Order, shall mean the person for the time being entitled to receive the rackrents of any lands or buildings, or who, if such lands or buildings were let to a tenant at a rackrent, would be entitled to receive the rackrent from the occupier thereof; and the word "house," used with reference to any rate, shall include any dwelling-house, and any premises any part of which shall be used or occupied as a shop, warehouse, counting-house, chambers, or offices of any description, or stable or coach-house.

"The Lands Clauses Acts" shall mean and include "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Railways Act, Ireland, 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act."

3. "The Lands Clauses Acts" and the several clauses and provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following matters; that is to say, with respect to the manner of making rates, except sections 167, 175, 176, 177, and 179, with respect to the appeal to be made against any rate, and with respect to the recovery of rates, except section 199, shall, where the same may respectively be applicable to the purposes and objects of this Order, and are not inconsistent with the provisions hereof, be

A.D. 1876. incorporated with and apply to this Order, and the objects hereby authorised and required to be effected, and for the purpose of such incorporation the Corporation shall be deemed to be "the Company," "the Undertakers," and "the Commissioners," in the said Acts respectively mentioned.

Compulsory
powers to take
land.

4. The Corporation are hereby empowered to put in force, with reference to the lands and all water and water rights comprised in the deposited plan, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and to use the lands, water, and water rights so taken in order to afford a supply of water to the district, and for the construction of such works as the Corporation shall deem suitable for that purpose.

Domestic
water rate.

5. It shall be lawful for the Corporation and they are hereby authorised and required to assess and levy once in every year (in addition to all other rates which they are authorised to levy) a rate, to be called "the Domestic Water Rate," not exceeding one shilling in the pound, upon and from the occupiers of all houses within the said borough, according to the annual value of such houses, as the same now are or from time to time hereafter shall be valued or rated in pursuance of the 15th and 16th Victoria, chapter 63, or any Act or Acts amending the same.

Public water
rate.

6. For the purpose of providing a supply of water for better security against fire, for flushing sewers, for drinking fountains, and for sanitary use generally in the borough, it shall be lawful for the Corporation to levy upon and from the owners of all rateable property within the borough a rate, to be called "the Public Water Rate," on the annual value of such property, as the same now is or shall from time to time hereafter be valued and rated under the provisions of the 15th and 16th Victoria, chapter 63, or any Act amending the same, not exceeding in any one year sixpence in the pound on the valuation of all such property.

Borrowing
powers.

7. The borrowing powers conferred by the 40th section of "The Public Health (Ireland) Act, 1874," shall extend and apply to the rates hereby authorised, and to the costs, charges, and expenses to be incurred by the Corporation in the performance of its duties under this Order; and the Corporation may borrow and take up at interest any sums of money necessary for defraying such costs, charges, and expenses, subject to the provisions and with the authorities and powers contained in the said section.

Supply of
water for
domestic pur-
poses.

8. A supply of water for domestic purposes shall include a supply for water-closets in private houses, but shall not include a supply of water for cattle, horses, or for washing carriages, where such horses or carriages are kept for hire, or by common carriers, or are the property of a dealer, nor a supply of water for steam engines, mills, shipping, railway purposes, or working any machine or apparatus in any trade, manufacture, or business whatsoever, or for watering gardens or washing horses or carriages by means of any tap, tube, pipe, hose, or other such like apparatus, or for fountains, or for flushing sewers or drains, or for public baths, or for any ornamental purpose whatsoever.

Domestic
water supply.

9. The Corporation shall, as soon as it can conveniently be done after the completion of the new waterworks herein-before mentioned, provide a supply

of water proper and sufficient for the domestic purposes of the inhabitants of all houses in the borough, to be supplied through the pipes already laid down or hereafter to be laid down by the Corporation; and the Corporation shall, at the expense of the Corporation, maintain and when required lay down main pipes and supply the same for the purposes aforesaid, and shall, at the request of the owner or occupier of any house within the borough, supply water for domestic purposes to such house by means of branch pipes or a branch pipe, and other necessary and proper apparatus, to be provided, laid down, and maintained at the cost of such owner or occupier.

A.D. 1876.

- 10 10. The Corporation may supply any person with water for other than domestic purposes, on such terms as may be agreed on; but notwithstanding any such agreement no person shall be entitled to such supply whenever and as long as the Corporation are of opinion that the same would interfere with the supply of water for domestic purposes under this Order, and every such agreement shall be determinable by the Corporation on one month's notice in writing.

11. No person shall be entitled to require, nor shall the Corporation be bound to furnish, a supply of water to any dwelling-house (save by special agreement) when any part of such dwelling-house is used for any trade or business purpose for which water is required.

Certain classes of dwelling-houses not to be supplied with water by agreement.

12. The water to be supplied by the Corporation need not be constantly laid on under pressure, nor shall the Corporation be bound to keep any of their pipes at all times charged with water, or at any time to lay on or supply water at a greater pressure than that afforded for the time being by the pipes of the Corporation communicating with the reservoir from which the supply is taken.

Water need not be constantly laid on under pressure.

13. The Corporation may from time to time make such regulations as they think fit for the purpose of preventing waste, misuse, undue consumption, and contamination of the water supplied by the Corporation, and may by such regulations direct the use and prescribe the size, nature, strength, and materials, mode of arrangement, position, alteration, and repair of the pipes, valves, cocks, cisterns, soil pans, water-closets, and other apparatus and receptacles, or any of them, to be used for carrying, delivering, and rendering and storing water, and may forbid any arrangement and the use of any pipe, valve, cock, cistern, bath, soil pan, water-closet, or other apparatus or receptacle likely in their judgment to cause the waste, misuse, undue consumption, or contamination of the water.

Regulations to prevent waste to be made by the Corporation.

14. The Corporation shall not be bound to supply or to continue to supply water to any person unless and until he or she shall observe such regulations as are in force for the time being.

Corporation not bound to supply water to a person who fails to observe regulations.

15. The Corporation may, by notice in writing, under the hand of the town clerk or other authorised officer, require any person supplied by them with water who shall have permitted any pipe, cock, cistern, or other apparatus connected with the water supply to become out of repair, to put the same forthwith into proper repair; and if such person shall not, within twenty-four hours after the service of such notice, so repair such pipe, cock, cistern, or other

Corporation may require consumer to repair pipes, &c.

A.D. 1876. apparatus as to prevent any waste of water therefrom, the Corporation may repair the same, and the expenses of such repair shall be payable by such persons to the Corporation.

*Penalties for
injuring water
works*

16. Every person who shall wilfully, fraudulently, or by culpable negligence, injure, or cause or suffer to be injured, any meter, pipe, fitting, or other apparatus belonging to the Corporation, or shall fraudulently alter the index of any meter, or shall wilfully and knowingly cause any meter to register improperly the quantity of water supplied, shall, for every such offence, forfeit or pay to the Corporation a sum not exceeding five pounds; and, moreover, the Corporation shall be entitled to recover from the person so offending the damages sustained by them.

17. No meter, whether supplied by or the property of the Corporation or the consumer, shall be altered or repaired except under the direction or with the consent of the Corporation, and the Corporation shall be entitled to keep all meters which may be supplied by the consumer in repair at the cost of the consumer, for such reasonable rate of remuneration as may be agreed on between the Corporation and the consumer, or in case of dispute may be fixed by two justices.

*Power to enter
and inspect
buildings sup-
plied with
water*

18. Any officer duly appointed by the Corporation for that purpose may, between the hours of 9 a.m. and 4 p.m., enter any building or place supplied by the Corporation with water in order to inspect the pipes, fittings, apparatus, and meters (if any) for regulating the supply of water or the prevention of waste, either for the purpose of seeing whether such pipes, fittings, cisterns, other apparatus or meters (if any) are proper and in good repair; and if any such officer be refused admittance, in accordance with the terms of this clause, or prevented from making such inspection, the occupier of the premises shall for every such offence forfeit to the Corporation a sum not exceeding five pounds.

*Power to re-
cover payment
of money due
in respect of a
water supply*

19. In case any person who shall have been supplied with water by the Corporation, or who shall be liable to payment in respect of a supply of water under the provisions of this Order or the Acts referred to or incorporated herein, shall neglect or refuse to pay the amount due in respect of such supply for the time of fourteen days after demand thereof, it shall be lawful for any justice having jurisdiction where such person shall reside or where the water may have been supplied, to issue a summons to such person requiring appearance before two justices having jurisdiction as aforesaid, at a time and place named in such summons, and then and there to show cause why the sum so demanded should not be paid, and if on the appearance of such person, or in default of such appearance after proof of due service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause shall be shown to the contrary, it shall be lawful for two such justices to issue a warrant of distress for seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person, together with such costs as to such justices shall seem just and reasonable.

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20. The Corporation may recover any sum of money which shall be due to them for water rates or rents, damages, costs, or expenses, by action or proceeding in any court competent to deal with a claim of the amount demanded.

Power to enforce payment of rates, rents, &c.

21. A justice or a judge of any court shall not be disqualified from acting in any matter, action, or cause relating to water rates, rents, or damages, or otherwise arising out of the execution of this Order or the Acts incorporated herewith or referred to herein, by reason of his being liable to any water rate, meter rent, or charge arising under the Order or any of the said Acts, nor of his being a member of the Corporation.

Judges and justices not to be disqualified by being liable to rates, or being a member of the Corporation.

22. Any justice who issues a warrant of distress in pursuance of this Order may order the costs of the proceedings for the recovery of the money to be levied to be paid by the person liable to pay such money, and in every such case such costs shall be ascertained by the justice and included in the warrant of distress.

Costs of proceedings.

23. The expense of preparing, applying for, and obtaining this Order shall be paid by the Corporation.

Costs of obtaining Order.

24. This Order shall take effect from the time when it shall be confirmed by Parliament.

Confirmation of Order.

Given under our hand and seal of office, this second day of December 1875.

(Signed) A. POWER,
Vice-President.

J. McDONNELL,
R. M. BELLEW,
Commissioners.

Provisional Orders
(Ireland) Confirmation.
[H.L.]

A

BILL

INTITLED

An Act for confirming certain Provisional Orders of the Local Government Board for Ireland, relating to the Township of Dalkey, the Galway Union, the City of Londonderry, the Newtownards United Burial Grounds District, the Omagh Waterworks, and to the Wexford Waterworks.

(Brought from the Lords 30 June 1876.)

Ordered, by The House of Commons, to be Printed,
8 July 1876

[Bill 280.]

Under 3 c.